



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toshimitsu Taniguchi et al. Art Unit : 2811
Serial No. : 10/806,610 Examiner : Samuel A. Gebremariam
Filed : March 23, 2004 Conf. No. : 2451
Title : SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING
THEREOF

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF MAY 19, 2006

Applicant thanks the Examiner for participating in the telephone call of July 13, 2006 in which the Examiner clarified that the reference cited in the Office action of May 19, 2006 should be U.S. Patent No. 6,635,925 instead of U.S. Patent No. 6,635,952.

In reply to the Office action, applicant submits the following remarks.

Claims 1-2, 4-5 and 22-26 are pending for further examination. Claims 22-26 were allowed.

Claims 1-2 and 4-5 were rejected as unpatentable over Taniguchi et al. (U.S. Patent No. 6,635,925) in view of Soderbarg (U.S. Patent No. 5,844,272) on the grounds of nonstatutory obviousness-type double patenting. Applicants note that the present application, filed on March 23, 2004 as a result of a restriction requirement, is a divisional application of the Taniguchi et al. patent which issued on August 31, 2004 and, therefore, the rejection is improper. *See* 35 U.S.C. §121 which states, in part,

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 8, 2006

Date of Deposit

Signature

Roselynn Scarfo

Typed or Printed Name of Person Signing Certificate